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Attorneys for Plaintiff, NIKE, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NIKE, INC.,

Plaintiff,

v.

FUJIAN BESTWINN (CHINA) INDUSTRY
CO., LTD. a/k/a/ XIAMEN BESTWINN IMP.
& EXP. CO., LTD.,

Defendant.

Case No. 2:16-cv-00311-APG-VCF

**FINAL JUDGMENT BY DEFAULT
PURSUANT TO FED. R. CIV. P. 55(b)**

1 Having duly considered NIKE Inc.'s ("NIKE's") motion for entry of final judgment, the
2 Court hereby enters this final judgment by default against Defendant Fujian Bestwinn (China)
3 Industry Co., Ltd. a/k/a Xiamen Bestwinn Imp. & Exp. Co., Ltd. ("Bestwinn") pursuant to Rule
4 55(b) of the Federal Rules of Civil Procedure.

5 **IT IS ORDERED** that Judgment is entered against Bestwinn for willfully infringing
6 NIKE's U.S. Design Patent Nos. D636,573; D666,405; D666,406; D673,765; D682,523;
7 D683,119; D683,946; D694,501; D696,849; D696,853; D700,423; D701,689; D707,027;
8 D707,028; D707,032; D707,033; D710,579; D746,037, in violation of 35 U.S.C. §§ 271(a) and
9 (b).

10 **IT IS FURTHER ORDERED** that Bestwinn and its officers, directors, employees,
11 agents, and attorneys are hereby permanently enjoined from infringing NIKE's patents identified
12 above, including but not limited to, making, using, selling, offering to sell, or importing into the
13 United States shoe designs covered by the patents enumerated above, such products specifically
14 including but not limited to models identified by Bestwinn as: 90088, BW1001, BW1002,
15 BW1003, BW71389, BW71389A—BW71389P, BW71390, BW71390A—BW71390C,
16 BW71391, BW71391A—BW71391E, BW71390A-1—BW71390C-1, BW71391A-1, BW71391B-
17 1, BW71391D-1, BW71392, BW71392A—BW71392N, BW71392-1 and BW71392A-1—
18 BW71392E-1, as well as colorable imitations thereof, pursuant to 35 U.S.C. § 283 and Fed. R.
19 Civ. P. 65(d).

20 **IT IS FURTHER ORDERED** that NIKE recover an award of damages adequate to
21 compensate NIKE for the patent infringements that have occurred pursuant to 35 U.S.C. § 284,
22 which shall be trebled as a result of Bestwinn's willful patent infringement, or an award of
23 Bestwinn's profits from its infringements pursuant to 35 U.S.C. § 289, whichever is greater,
24 together with prejudgment interest and costs.

25 **IT IS FURTHER ORDERED** that NIKE recovers its reasonable attorneys' fees pursuant
26 to 35 U.S.C. § 285, with prejudgment interest. NIKE shall file the information required by Local
27 Rule 54-16 in support of their fee award amount within fourteen (14) days after the date of this
28 Order.

1 **IT IS FURTHER ORDERED** that NIKE recover its reasonable costs from the Bestwinn
2 pursuant to Fed. R. Civ. P. 54(d). NIKE shall file a bill of costs and disbursements on the form
3 provided by the clerk pursuant to Local Rule 54-1, no later than ten (10) days after the date of this
4 Order.

5 **IT IS FURTHER ORDERED** that this Court retains jurisdiction over the parties to the
6 extent necessary to enforce the terms of this Order and the injunctive relief provided herein.

7 **IT IS SO ORDERED.**

8
9 
10 UNITED STATES DISTRICT JUDGE

11 Date: September 23, 2016
12 _____